

---

**SUBSTITUTE HOUSE BILL 3089**

---

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Murray, Clibborn, Woods, Simpson and Linville; by request of Department of Transportation)

READ FIRST TIME 02/06/06.

1            AN ACT Relating to commute trip reduction; amending RCW 70.94.524,  
2 70.94.527, 70.94.531, 70.94.534, 70.94.537, 70.94.541, 70.94.544,  
3 70.94.547, and 70.94.551; and adding new sections to chapter 70.94 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 70.94.524 and 1991 c 202 s 11 are each amended to read  
6 as follows:

7            Unless the context clearly requires otherwise, the definitions in  
8 this section apply throughout this chapter.

9            (1) "A major employer" means a private or public employer,  
10 including state agencies, that employs one hundred or more full-time  
11 employees at a single worksite who begin their regular work day between  
12 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve continuous  
13 months during the year.

14            (2) "Major worksite" means a building or group of buildings that  
15 are on physically contiguous parcels of land or on parcels separated  
16 solely by private or public roadways or rights of way, and at which  
17 there are one hundred or more full-time employees (~~(of one or more~~  
18 ~~employers)~~), who begin their regular work day between 6:00 a.m. and  
19 9:00 a.m. on weekdays, for at least twelve continuous months.

1           (3) (~~"Commute trip reduction zones" mean areas, such as census~~  
2 ~~tracts or combinations of census tracts, within a jurisdiction that are~~  
3 ~~characterized by similar employment density, population density, level~~  
4 ~~of transit service, parking availability, access to high occupancy~~  
5 ~~vehicle facilities, and other factors that are determined to affect the~~  
6 ~~level of single occupancy vehicle commuting.~~

7           (4)) "Major employment installation" means a military base or  
8 federal reservation, excluding tribal reservations, at which there are  
9 one hundred or more full-time employees, who begin their regular  
10 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least  
11 twelve continuous months during the year.

12           (4) "Person hours of delay" means the daily person hours of delay  
13 per mile in the peak period of 6:00 a.m. to 9:00 a.m., as calculated  
14 using the best available methodology by the department of  
15 transportation.

16           (5) "Commute trip" means trips made from a worker's home to a  
17 worksite during the peak period of 6:00 a.m. to 9:00 a.m. on weekdays.

18           ((+5)) (6) "Proportion of single-occupant vehicle commute trips"  
19 means the number of commute trips made by single-occupant automobiles  
20 divided by the number of full-time employees.

21           ((+6)) (7) "Commute trip vehicle miles traveled per employee"  
22 means the sum of the individual vehicle commute trip lengths in miles  
23 over a set period divided by the number of full-time employees during  
24 that period.

25           ((+7)) (8) "Base year" means the (~~year January 1, 1992, through~~  
26 ~~December 31, 1992, on which goals for vehicle miles traveled and~~  
27 ~~single-occupant vehicle trips shall be based. Base year goals may be~~  
28 ~~determined using the 1990 journey to work census data projected to the~~  
29 ~~year 1992 and shall be consistent with the growth management act. The~~  
30 ~~task force shall establish a method to be used by jurisdictions to~~  
31 ~~determine reductions of vehicle miles traveled)) twelve-month period  
32 commencing when a major employer is determined to be participating by  
33 the local jurisdiction, on which commute trip reduction goals shall be  
34 based.~~

35           (9) "Growth and transportation efficiency center" means a defined,  
36 compact, mixed-use urban area that contains jobs or housing and  
37 supports multiple modes of transportation. For the purpose of funding,  
38 a growth and transportation efficiency center must meet minimum

1 criteria established by the commute trip reduction board under RCW  
2 70.94.537, and must be certified by a regional transportation planning  
3 organization as established in RCW 47.80.020.

4 (10) "Affected urban growth area" means an urban growth area, as  
5 defined by RCW 36.70A.110, whose boundaries contain a state highway  
6 segment exceeding the one hundred person hours of delay threshold  
7 calculated by the department of transportation, as well as any  
8 contiguous urban growth areas listed by the department of  
9 transportation in the rules for this act.

10 (11) "Certification" means a determination by a regional  
11 transportation planning organization that a locally designated growth  
12 and transportation efficiency center program meets the minimum criteria  
13 developed in a collaborative regional process and the rules established  
14 by the department of transportation.

15 **Sec. 2.** RCW 70.94.527 and 1997 c 250 s 2 are each amended to read  
16 as follows:

17 ~~(1) Each county ((with a population over one hundred fifty~~  
18 ~~thousand, and each city or town within those counties containing a~~  
19 ~~major employer shall, by October 1, 1992, adopt by ordinance and~~  
20 ~~implement a commute trip reduction plan for all major employers. The~~  
21 ~~plan shall be developed in cooperation with local transit agencies,~~  
22 ~~regional transportation planning organizations as established in RCW~~  
23 ~~47.80.020, major employers, and the owners of and employers at major~~  
24 ~~worksites)) containing an urban growth area, as defined by RCW~~  
25 ~~36.70A.110, and each city within an urban growth area with a state~~  
26 ~~highway segment exceeding the one hundred person hours of delay~~  
27 ~~threshold calculated by the department of transportation, as well as~~  
28 ~~those counties and cities located in any contiguous urban growth areas,~~  
29 ~~shall adopt a commute trip reduction plan and ordinance for major~~  
30 ~~employers in the affected urban growth area by a date specified by the~~  
31 ~~commute trip reduction board. Jurisdictions located within an urban~~  
32 ~~growth area with a population greater than seventy thousand that~~  
33 ~~adopted a commute trip reduction ordinance before the year 2000, as~~  
34 ~~well as any jurisdiction within contiguous urban growth areas, shall~~  
35 ~~also adopt a commute trip reduction plan and ordinance for major~~  
36 ~~employers in the affected urban growth area by a date specified by the~~  
37 ~~commute trip reduction board. Jurisdictions containing a major~~

1 employment installation in a county with an affected growth area, as  
2 defined by RCW 36.70A.110, shall adopt a commute trip reduction plan  
3 and ordinance for major employers in the major employment installation  
4 by a date specified by the commute trip reduction board. The ordinance  
5 shall establish the requirements for major employers and provide an  
6 appeals process by which major employers, who as a result of special  
7 characteristics of their business or its locations would be unable to  
8 meet the requirements of the ordinance, may obtain waiver or  
9 modification of those requirements. The plan shall be designed to  
10 achieve reductions in the proportion of single-occupant vehicle commute  
11 trips and ((the commute trip vehicle miles traveled per employee by  
12 employees of major public and private sector employers in the  
13 jurisdiction)) be consistent with the rules established by the  
14 department of transportation. The county, city, or town shall submit  
15 its adopted plan to the regional transportation planning organization.  
16 The county, city, or town plan shall be included in the regional  
17 commute trip reduction plan for regional transportation planning  
18 purposes, consistent with the rules established by the department of  
19 transportation in RCW 70.94.537.

20 (2) All other counties, ((and)) cities, and towns ((in those  
21 counties,)) may adopt and implement a commute trip reduction plan  
22 consistent with department of transportation rules established under  
23 RCW 70.94.537. Tribal governments are encouraged to adopt a commute  
24 trip reduction plan for their lands. State investment in voluntary  
25 commute trip reduction plans shall be limited to those areas that meet  
26 criteria developed by the commute trip reduction board.

27 (3) The department of ecology may, after consultation with the  
28 department of transportation, as part of the state implementation plan  
29 for areas that do not attain the national ambient air quality standards  
30 for carbon monoxide or ozone, require municipalities other than those  
31 identified in subsection (1) of this section to adopt and implement  
32 commute trip reduction plans if the department determines that such  
33 plans are necessary for attainment of said standards.

34 (4) A commute trip reduction plan shall be consistent with the  
35 ((guidelines)) rules established under RCW 70.94.537 and shall include  
36 but is not limited to (a) goals for reductions in the proportion of  
37 single-occupant vehicle commute trips ((and the commute trip vehicle  
38 miles traveled per employee)) consistent with the state goals

1 established by the commute trip reduction board under RCW 70.94.537 and  
2 the regional commute trip reduction plan goals established in the  
3 regional commute trip reduction plan; (b) (~~designation of commute trip~~  
4 reduction zones; ~~(c)~~) a description of the requirements for major  
5 public and private sector employers to implement commute trip reduction  
6 programs; (~~(d)~~) (c) a commute trip reduction program for employees of  
7 the county, city, or town; (~~(e) a review of local parking policies and~~  
8 ordinances as they relate to employers and major worksites and any  
9 revisions necessary to comply with commute trip reduction goals and  
10 guidelines; (f) an appeals process by which major employers, who as a  
11 result of special characteristics of their business or its locations  
12 would be unable to meet the requirements of a commute trip reduction  
13 plan, may obtain waiver or modification of those requirements; and  
14 (g)) and (d) means, consistent with rules established by the  
15 department of transportation, for determining base year values (~~of the~~  
16 proportion of single-occupant vehicle commute trips and the commute  
17 trip vehicle miles traveled per employee)) and progress toward meeting  
18 commute trip reduction plan goals (~~(on an annual basis. Goals which~~  
19 are established shall take into account existing transportation demand  
20 management efforts which are made by major employers. Each  
21 jurisdiction shall ensure that employers shall receive full credit for  
22 the results of transportation demand management efforts and commute  
23 trip reduction programs which have been implemented by major employers  
24 prior to the base year. The goals for miles traveled per employee for  
25 all major employers shall not be less than a fifteen percent reduction  
26 from the worksite base year value or the base year value for the  
27 commute trip reduction zone in which their worksite is located by  
28 January 1, 1995, twenty percent reduction from the base year values by  
29 January 1, 1997, twenty five percent reduction from the base year  
30 values by January 1, 1999, and a thirty five percent reduction from the  
31 base year values by January 1, 2005.

32 (5) ~~A county, city, or town may, as part of its commute trip~~  
33 ~~reduction plan, require commute trip reduction programs for employers~~  
34 ~~with ten or more full time employees at major worksites in federally~~  
35 ~~designated nonattainment areas for carbon monoxide and ozone. The~~  
36 ~~county, city or town shall develop the programs in cooperation with~~  
37 ~~affected employers and provide technical assistance to the employers in~~  
38 ~~implementing such programs)). The plan shall be developed in~~

1 consultation with local transit agencies, the applicable regional  
2 transportation planning organization, major employers, and other  
3 interested parties.

4 ((+6+)) (5) The commute trip reduction plans adopted by counties,  
5 cities, and towns under this chapter shall be consistent with and may  
6 be incorporated in applicable state or regional transportation plans  
7 and local comprehensive plans and shall be coordinated, and consistent  
8 with, the commute trip reduction plans of counties, cities, or towns  
9 with which the county, city, or town has, in part, common borders or  
10 related regional issues. Such regional issues shall include assuring  
11 consistency in the treatment of employers who have worksites subject to  
12 the requirements of this chapter in more than one jurisdiction.  
13 Counties, cities, ((or)) and towns adopting commute trip reduction  
14 plans may enter into agreements through the interlocal cooperation act  
15 or by resolution or ordinance as appropriate with other jurisdictions,  
16 local transit agencies, transportation management associations or other  
17 private or nonprofit providers of transportation services, or regional  
18 transportation planning organizations to coordinate the development and  
19 implementation of such plans. Transit agencies shall work with  
20 counties, cities, and towns as a part of their six-year transit  
21 development plan established in RCW 35.58.2795 to take into account the  
22 location of major employer worksites when planning and prioritizing  
23 transit service changes or the expansion of public transportation  
24 services, including rideshare services. Counties, cities, or towns  
25 adopting a commute trip reduction plan shall review it annually and  
26 revise it as necessary to be consistent with applicable plans developed  
27 under RCW 36.70A.070. Regional transportation planning organizations  
28 shall review the local commute trip reduction plans during the  
29 development and update of the regional commute trip reduction plan.

30 (6) Each affected regional transportation planning organization  
31 shall adopt a commute trip reduction plan for its region consistent  
32 with the rules and deadline established by the department of  
33 transportation under RCW 70.94.537. The plan shall include, but is not  
34 limited to: (a) Regional program goals for commute trip reduction in  
35 urban growth areas and all designated growth and transportation  
36 efficiency centers; (b) a description of strategies for achieving the  
37 goals; (c) a sustainable financial plan describing projected revenues  
38 and expenditures to meet the goals; (d) a description of the way in

1 which progress toward meeting the goals will be measured; and (e)  
2 minimum criteria for growth and transportation efficiency centers. (i)  
3 Regional transportation planning organizations shall review proposals  
4 from local jurisdictions to designate growth and transportation  
5 efficiency centers and shall determine whether the proposed growth and  
6 transportation efficiency center is consistent with the criteria  
7 defined in the regional commute trip reduction plan. (ii) Growth and  
8 transportation efficiency centers certified as consistent with the  
9 minimum requirements by the regional transportation planning  
10 organization shall be identified in subsequent updates of the regional  
11 commute trip reduction plan. These plans shall be developed in  
12 collaboration with all affected local jurisdictions, transit agencies,  
13 and other interested parties within the region. The plan will be  
14 reviewed and approved by commute trip reduction board as established  
15 under RCW 70.94.537. Regions without an approved regional commute trip  
16 reduction plan shall not be eligible for state commute trip reduction  
17 program funds.

18 The regional commute trip reduction plan shall be consistent with  
19 and incorporated into transportation demand management components in  
20 the regional transportation plan as required by RCW 47.80.030.

21 (7) Each ((~~county, city, or town~~)) regional transportation planning  
22 organization implementing a regional commute trip reduction program  
23 shall, ((~~within thirty days submit a summary of its plan along with~~  
24 ~~certification of adoption~~)) consistent with the rules and deadline  
25 established by the department of transportation, submit its plan as  
26 well as any related local commute trip reduction plans and certified  
27 growth and transportation efficiency center programs, to the commute  
28 trip reduction ((~~task force~~)) board established under RCW 70.94.537.  
29 The commute trip reduction board shall review the regional commute trip  
30 reduction plan and the local commute trip reduction plans. The  
31 regional transportation planning organization shall collaborate with  
32 the commute trip reduction board to evaluate the consistency of local  
33 commute trip reduction plans with the regional commute trip reduction  
34 plan. Local and regional plans must be approved by the commute trip  
35 reduction board in order to be eligible for state funding provided for  
36 the purposes of this chapter.

37 (8) Each ((~~county, city, or town~~)) regional transportation planning  
38 organization implementing a regional commute trip reduction program

1 shall submit an annual progress report to the commute trip reduction  
2 (~~task force~~) board established under RCW 70.94.537. The report shall  
3 be due (~~July 1, 1994, and each July 1st thereafter through July 1,~~  
4 ~~2006~~) at the end of each state fiscal year for which the program has  
5 been implemented. The report shall describe progress in attaining the  
6 applicable commute trip reduction goals (~~for each commute trip~~  
7 ~~reduction zone~~) and shall highlight any problems being encountered in  
8 achieving the goals. The information shall be reported in a form  
9 established by the commute trip reduction (~~task force~~) board.

10 (9) Any waivers or modifications of the requirements of a commute  
11 trip reduction plan granted by a jurisdiction shall be submitted for  
12 review to the commute trip reduction (~~task force~~) board established  
13 under RCW 70.94.537. The commute trip reduction (~~task force~~) board  
14 may not deny the granting of a waiver or modification of the  
15 requirements of a commute trip reduction plan by a jurisdiction but  
16 they may notify the jurisdiction of any comments or objections.

17 (~~10~~) (~~Each county, city, or town implementing a commute trip~~  
18 ~~reduction program shall count commute trips eliminated through work at~~  
19 ~~home options or alternate work schedules as one and two tenths vehicle~~  
20 ~~trips eliminated for the purpose of meeting trip reduction goals.~~

21 (~~11~~) ~~Each county, city, or town implementing a commute trip~~  
22 ~~reduction program shall ensure that employers that have modified their~~  
23 ~~employees' work schedules so that some or all employees are not~~  
24 ~~scheduled to arrive at work between 6:00 a.m. and 9:00 a.m. are~~  
25 ~~provided credit when calculating single occupancy vehicle use and~~  
26 ~~vehicle miles traveled at that worksite. This credit shall be awarded~~  
27 ~~if implementation of the schedule change was an identified element in~~  
28 ~~that worksite's approved commute trip reduction program or if the~~  
29 ~~schedule change occurred because of impacts associated with chapter~~  
30 ~~36.70A RCW, the growth management act.~~

31 (~~12~~) Plans implemented under this section shall not apply to  
32 commute trips for seasonal agricultural employees.

33 (~~13~~) (11) Plans implemented under this section shall not apply  
34 to construction worksites when the expected duration of the  
35 construction project is less than two years.

36 (12) If an affected urban growth area has not previously  
37 implemented a commute trip reduction program, and the state has funded  
38 solutions to state highway deficiencies to address the area's exceeding

1 the person hours of delay threshold, the affected urban growth area  
2 shall be exempt from the duties of this section for a period not  
3 exceeding two years.

4 NEW SECTION. Sec. 3. A new section is added to chapter 70.94 RCW  
5 to read as follows:

6 Nothing in this act preempts the ability of state employees to  
7 collectively bargain over commute trip reduction issues, including  
8 parking fees under chapter 41.80 RCW.

9 NEW SECTION. Sec. 4. A new section is added to chapter 70.94 RCW  
10 to read as follows:

11 (1) A county, city, or town may, as part of its commute trip  
12 reduction plan, designate existing activity centers listed in its  
13 comprehensive plan or new activity centers as growth and transportation  
14 efficiency centers and establish a transportation demand management  
15 program in the designated area.

16 (a) The transportation demand management program for the growth and  
17 transportation efficiency center shall be developed in consultation  
18 with local transit agencies, the applicable regional transportation  
19 planning organization, major employers, and other interested parties.

20 (b) In order to be eligible for state funding provided for the  
21 purposes of this section, designated growth and transportation  
22 efficiency centers shall be certified by the applicable regional  
23 transportation organization to: (i) Meet the minimum land use and  
24 transportation criteria established in collaboration among local  
25 jurisdictions, transit agencies, the regional transportation planning  
26 organization, and other interested parties as part of the regional  
27 commute trip reduction plan; and (ii) have established a transportation  
28 demand management program that includes the elements identified in (c)  
29 of this subsection and is consistent with the rules established by the  
30 department of transportation in RCW 70.94.537(2). If a designated  
31 growth and transportation efficiency center is denied certification,  
32 the local jurisdiction may appeal the decision to the commute trip  
33 reduction board.

34 (c) Transportation demand management programs for growth and  
35 transportation efficiency centers shall include, but are not limited  
36 to: (i) Goals for reductions in the proportion of single-occupant

1 vehicle trips that are more aggressive than the state program goal  
2 established by the commute trip reduction board; (ii) a sustainable  
3 financial plan demonstrating how the program can be implemented to meet  
4 state and regional trip reduction goals, indicating resources from  
5 public and private sources that are reasonably expected to be made  
6 available to carry out the plan, and recommending any innovative  
7 financing techniques consistent with chapter 47.29 RCW, including  
8 public/private partnerships, to finance needed facilities, services,  
9 and programs; (iii) a proposed organizational structure for  
10 implementing the program; (iv) a proposal to measure performance toward  
11 the goal and implementation progress; and (v) an evaluation to which  
12 local land use and transportation policies apply, including parking  
13 policies and ordinances, to determine the extent that they complement  
14 and support the trip reduction investments of major employers. Each of  
15 these program elements shall be consistent with the rules established  
16 under RCW 70.94.537.

17 (d) A designated growth and transportation efficiency center shall  
18 be consistent with the land use and transportation elements of the  
19 local comprehensive plan.

20 (e) Transit agencies, local governments, and regional  
21 transportation planning organizations shall identify certified growth  
22 and transportation efficiency centers as priority areas for new service  
23 and facility investments in their respective investment plans.

24 (2) A county, city, or town that has established a growth and  
25 transportation efficiency center program shall support vehicle trip  
26 reduction activities in the designated area. The implementing  
27 jurisdiction shall adopt policies, ordinances, and funding strategies  
28 that will lead to attainment of program goals in those areas.

29 **Sec. 5.** RCW 70.94.531 and 1997 c 250 s 3 are each amended to read  
30 as follows:

31 (1) State agency worksites are subject to the same requirements  
32 under this section and RCW 70.94.534 as private employers.

33 (2) Not more than (~~six months~~) ninety days after the adoption of  
34 (~~the~~) a jurisdiction's commute trip reduction plan (~~by a~~  
35 ~~jurisdiction~~), each major employer in that jurisdiction shall perform  
36 a baseline measurement consistent with the rules established by the  
37 department of transportation under RCW 70.94.537. Not more than ninety

1 days after receiving the results of the baseline measurement, each  
2 major employer shall develop a commute trip reduction program and shall  
3 submit a description of that program to the jurisdiction for review.  
4 The program shall be implemented not more than (~~six months~~) ninety  
5 days after (~~submission to~~) approval by the jurisdiction.

6 (~~(+2)~~) (3) A commute trip reduction program of a major employer  
7 shall consist of, at a minimum (a) designation of a transportation  
8 coordinator and the display of the name, location, and telephone number  
9 of the coordinator in a prominent manner at each affected worksite; (b)  
10 regular distribution of information to employees regarding alternatives  
11 to single-occupant vehicle commuting; (c) (~~an annual~~) a regular  
12 review of employee commuting and reporting of progress toward meeting  
13 the single-occupant vehicle reduction goals to the county, city, or  
14 town consistent with the method established in the commute trip  
15 reduction plan and the rules established by the department of  
16 transportation under RCW 70.94.537; and (d) implementation of a set of  
17 measures designed to achieve the applicable commute trip reduction  
18 goals adopted by the jurisdiction. Such measures may include but are  
19 not limited to:

- 20 (i) Provision of preferential parking or reduced parking charges,  
21 or both, for high occupancy vehicles;
- 22 (ii) Instituting or increasing parking charges for single-occupant  
23 vehicles;
- 24 (iii) Provision of commuter ride matching services to facilitate  
25 employee ridesharing for commute trips;
- 26 (iv) Provision of subsidies for transit fares;
- 27 (v) Provision of vans for van pools;
- 28 (vi) Provision of subsidies for car pooling or van pooling;
- 29 (vii) Permitting the use of the employer's vehicles for car pooling  
30 or van pooling;
- 31 (viii) Permitting flexible work schedules to facilitate employees'  
32 use of transit, car pools, or van pools;
- 33 (ix) Cooperation with transportation providers to provide  
34 additional regular or express service to the worksite;
- 35 (x) Construction of special loading and unloading facilities for  
36 transit, car pool, and van pool users;
- 37 (xi) Provision of bicycle parking facilities, lockers, changing  
38 areas, and showers for employees who bicycle or walk to work;

1 (xii) Provision of a program of parking incentives such as a rebate  
2 for employees who do not use the parking facility;

3 (xiii) Establishment of a program to permit employees to work part  
4 or full time at home or at an alternative worksite closer to their  
5 homes;

6 (xiv) Establishment of a program of alternative work schedules such  
7 as compressed work week schedules which reduce commuting; and

8 (xv) Implementation of other measures designed to facilitate the  
9 use of high-occupancy vehicles such as on-site day care facilities and  
10 emergency taxi services.

11 ~~((3))~~ (4) Employers or owners of worksites may form or utilize  
12 existing transportation management associations or other  
13 transportation-related associations authorized by RCW 35.87A.010 to  
14 assist members in developing and implementing commute trip reduction  
15 programs.

16 ~~((4))~~ (5) Employers shall make a good faith effort towards  
17 achievement of the goals identified in RCW 70.94.527(4)~~((g))~~ (d).

18 **Sec. 6.** RCW 70.94.534 and 1997 c 250 s 4 are each amended to read  
19 as follows:

20 (1) Each jurisdiction implementing a commute trip reduction plan  
21 under this chapter or as part of a plan or ordinance developed under  
22 RCW 36.70A.070 shall review each employer's initial commute trip  
23 reduction program to determine if the program is likely to meet the  
24 applicable commute trip reduction goals. The employer shall be  
25 notified by the jurisdiction of its findings. If the jurisdiction  
26 finds that the program is not likely to meet the applicable commute  
27 trip reduction goals, the jurisdiction will work with the employer to  
28 modify the program as necessary. The jurisdiction shall complete  
29 review of each employer's initial commute trip reduction program within  
30 ~~((three months))~~ ninety days of receipt.

31 (2) Employers implementing commute trip reduction programs are  
32 expected to undertake good faith efforts to achieve the goals outlined  
33 in RCW 70.94.527(4). Employers are considered to be making a good  
34 faith effort if the following conditions have been met:

35 (a) The employer has met the minimum requirements identified in RCW  
36 70.94.531; ~~((and))~~

1       (b) The employer has notified the jurisdiction of its intent to  
2 substantially change or modify its program and has either received the  
3 approval of the jurisdiction to do so or has acknowledged that its  
4 program may not be approved without additional modifications;

5       (c) The employer has provided adequate information and  
6 documentation of implementation when requested by the jurisdiction; and

7       (d) The employer is working collaboratively with its jurisdiction  
8 to continue its existing program or is developing and implementing  
9 program modifications likely to result in improvements to the program  
10 over an agreed upon length of time.

11       (3) Each jurisdiction shall (~~annually~~) review at least once every  
12 two years each employer's progress and good faith efforts toward  
13 meeting the applicable commute trip reduction goals. If an employer  
14 makes a good faith effort, as defined in this section, but is not  
15 likely to meet the applicable commute trip reduction goals, the  
16 jurisdiction shall work collaboratively with the employer to make  
17 modifications to the commute trip reduction program. Failure of an  
18 employer to reach the applicable commute trip reduction goals is not a  
19 violation of this chapter.

20       (4) If an employer fails to make a good faith effort and fails to  
21 meet the applicable commute trip reduction goals, the jurisdiction  
22 shall work collaboratively with the employer to propose modifications  
23 to the program and shall direct the employer to revise its program  
24 within thirty days to incorporate those modifications or modifications  
25 which the jurisdiction determines to be equivalent.

26       (5) Each jurisdiction implementing a commute trip reduction plan  
27 pursuant to this chapter may impose civil penalties, in the manner  
28 provided in chapter 7.80 RCW, for failure by an employer to implement  
29 a commute trip reduction program or to modify its commute trip  
30 reduction program as required in subsection (4) of this section. No  
31 major employer may be held liable for civil penalties for failure to  
32 reach the applicable commute trip reduction goals. No major employer  
33 shall be liable for civil penalties under this chapter if failure to  
34 achieve a commute trip reduction program goal was the result of an  
35 inability to reach agreement with a certified collective bargaining  
36 agent under applicable laws where the issue was raised by the employer  
37 and pursued in good faith.

1 (6) Jurisdictions shall notify major employers of the procedures  
2 for applying for goal modification or exemption from the commute trip  
3 reduction requirements based on the guidelines established by the  
4 commute trip reduction (~~((task-force))~~) board authorized under RCW  
5 70.94.537.

6 **Sec. 7.** RCW 70.94.537 and 1997 c 250 s 5 are each amended to read  
7 as follows:

8 (1) A (~~((twenty-eight))~~) sixteen member state commute trip reduction  
9 (~~((task-force))~~) board is established as follows:

10 (a) The secretary of the department of transportation or the  
11 secretary's designee who shall serve as chair;

12 (~~((The director of the department of ecology or the director's~~  
13 ~~designee;~~

14 (~~(c) The director of the department of community, trade, and~~  
15 ~~economic development or the director's designee;~~

16 (~~(d) The director of the department of general administration or the~~  
17 ~~director's designee;~~

18 (~~(e) Three representatives from~~) One representative from the office  
19 of the governor or the governor's designee;

20 (c) The director or the director's designee of one of the following  
21 agencies, to be determined by the governor:

22 (i) Department of general administration;

23 (ii) Department of ecology;

24 (iii) Department of community, trade, and economic development;

25 (d) Three representatives from cities and towns or counties  
26 appointed by the governor for staggered four-year terms from a list  
27 (~~((of at least six))~~) recommended by the association of Washington cities  
28 or the Washington state association of counties;

29 (~~((f) Three representatives from cities and towns appointed by the~~  
30 ~~governor from a list of at least six recommended by the association of~~  
31 ~~Washington cities;~~

32 (~~(g) Three~~) (e) Two representatives from transit agencies appointed  
33 by the governor for staggered four-year terms from a list (~~((of at least~~  
34 ~~six))~~) recommended by the Washington state transit association;

35 (~~((h) Twelve))~~) (f) Two representatives from participating regional  
36 transportation planning organizations appointed by the governor for  
37 staggered four-year terms;

1        (g) Four representatives of employers at or owners of major  
2 worksites in Washington, or transportation management associations,  
3 business improvement areas, or other transportation organizations  
4 representing employers, appointed by the governor ~~((from a list~~  
5 ~~recommended by the association of Washington business or other~~  
6 ~~statewide business associations representing major employers, provided~~  
7 ~~that every affected county shall have at least one representative; and~~  
8        ~~(i) Three))~~ for staggered four-year terms; and  
9        (h) Two citizens appointed by the governor for staggered four-year  
10 terms.

11        Members of the commute trip reduction ~~((task force))~~ board shall  
12 serve without compensation but shall be reimbursed for travel expenses  
13 as provided in RCW 43.03.050 and 43.03.060. Members appointed by the  
14 governor shall be compensated in accordance with RCW 43.03.220. The  
15 ~~((task force))~~ board has all powers necessary to carry out its duties  
16 as prescribed by this chapter. ~~((The task force shall be dissolved on~~  
17 ~~July 1, 2006.))~~

18        (2) By March 1, ~~((1992))~~ 2007, the ~~((commute trip reduction task~~  
19 ~~force))~~ department of transportation shall establish ~~((guidelines))~~  
20 rules for commute trip reduction plans and implementation procedures.  
21 The commute trip reduction board shall advise the department on the  
22 content of the rules. The ~~((guidelines))~~ rules are intended to ensure  
23 consistency in commute trip reduction plans and goals among  
24 jurisdictions while fairly taking into account differences in  
25 employment and housing density, employer size, existing and anticipated  
26 levels of transit service, special employer circumstances, and other  
27 factors the ~~((task force))~~ board determines to be relevant. The  
28 ~~((guidelines))~~ rules shall include:

29        (a) Guidance criteria for ~~((establishing commute trip reduction~~  
30 ~~zones))~~ growth and transportation efficiency centers;

31        (b) ~~((Methods and information requirements for determining base~~  
32 ~~year values of the proportion of single-occupant vehicle commute trips~~  
33 ~~and the commute trip vehicle miles traveled per employee))~~ Data  
34 measurement methods and procedures for determining the efficacy of  
35 commute trip reduction activities and progress toward meeting commute  
36 trip reduction plan goals;

37        (c) Model commute trip reduction ordinances;

1 (d) Methods for assuring consistency in the treatment of employers  
2 who have worksites subject to the requirements of this chapter in more  
3 than one jurisdiction;

4 (e) An appeals process by which major employers, who as a result of  
5 special characteristics of their business or its locations would be  
6 unable to meet the requirements of a commute trip reduction plan, may  
7 obtain a waiver or modification of those requirements and criteria for  
8 determining eligibility for waiver or modification;

9 ~~(f) ((Methods to ensure that employers shall receive full credit  
10 for the results of transportation demand management efforts and commute  
11 trip reduction programs which have been implemented by major employers  
12 prior to the base year;~~

13 ~~(g) Alternative commute trip reduction goals for major employers  
14 which cannot meet the goals of this chapter because of the unique  
15 nature of their business;~~

16 ~~(h) Alternative commute trip reduction goals for major employers  
17 whose worksites change and who contribute substantially to traffic  
18 congestion in a trip reduction zone; and~~

19 ~~(i) Methods to insure that employers receive credit for scheduling  
20 changes enacted pursuant to the criteria identified in RCW  
21 70.94.527(11).~~

22 ~~(3)) Establishment of a process for determining the state's  
23 affected areas, including criteria and procedures for regional  
24 transportation planning organizations in consultation with local  
25 jurisdictions to propose to add or exempt urban growth areas;~~

26 ~~(g) Listing of the affected areas of the program to be done every  
27 four years as identified in subsection (5) of this section;~~

28 ~~(h) Establishment of a criteria and application process to  
29 determine whether jurisdictions that voluntarily implement commute trip  
30 reduction are eligible for state funding;~~

31 ~~(i) Guidelines and deadlines for creating and updating local  
32 commute trip reduction plans, including guidance to ensure consistency  
33 between the local commute trip reduction plan and the transportation  
34 demand management strategies identified in the transportation element  
35 in the local comprehensive plan, as required by RCW 36.70A.070.~~

36 ~~(j) Guidelines for creating and updating regional commute trip  
37 reduction plans, including guidance to ensure the regional commute trip~~

1 reduction plan is consistent with and incorporated into transportation  
2 demand management components in the regional transportation plan;

3 (k) Methods for regional transportation planning organizations to  
4 evaluate and certify that designated growth and transportation  
5 efficiency center programs meet the minimum requirements and are  
6 eligible for funding;

7 (l) Guidelines for creating and updating growth and transportation  
8 efficiency center programs; and

9 (m) Establishment of statewide program goals. The goals shall be  
10 designed to achieve substantial reductions in the proportion of  
11 single-occupant vehicle commute trips and the commute trip vehicle  
12 miles traveled per employee, at a level that is projected to improve  
13 the mobility of people and goods by increasing the efficiency of the  
14 state highway system.

15 (3) The board shall create a state commute trip reduction plan that  
16 shall be updated every four years as discussed in subsection (5) of  
17 this section. The state commute trip reduction plan shall include, but  
18 is not limited to: (a) Statewide commute trip reduction program goals  
19 that are designed to substantially improve the mobility of people and  
20 goods; (b) identification of strategies at the state and regional  
21 levels to achieve the goals and recommendations for how transportation  
22 demand management strategies can be targeted most effectively to  
23 support commute trip reduction program goals; (c) performance measures  
24 for assessing the cost-effectiveness of commute trip reduction  
25 strategies and the benefits for the state transportation system; and  
26 (d) a sustainable financial plan. The board shall review and approve  
27 regional commute trip reduction plans, and work collaboratively with  
28 regional transportation planning organizations in the establishment of  
29 the state commute trip reduction plan.

30 (4) The ((task—force)) board shall work with affected  
31 jurisdictions, major employers, and other parties to develop and  
32 implement a public awareness campaign designed to increase the  
33 effectiveness of local commute trip reduction programs and support  
34 achievement of the objectives identified in this chapter.

35 ~~((4) The task force shall assess the commute trip reduction~~  
36 ~~options available to employers other than major employers and make~~  
37 ~~recommendations to the legislature by October 1, 1992. The~~

1 ~~recommendations shall include the minimum size of employer who shall be~~  
2 ~~required to implement trip reduction programs and the appropriate~~  
3 ~~methods those employers can use to accomplish trip reduction goals.))~~

4 (5) The board shall evaluate and update the commute trip reduction  
5 program plan and recommend changes to the rules every four years, with  
6 the first assessment report due July 1, 2011, to ensure that the latest  
7 data methodology used by the department of transportation is  
8 incorporated into the program and to determine which areas of the state  
9 should be affected by the program. The board shall review the  
10 definition of a major employer no later than December 1, 2009. The  
11 board shall regularly identify urban growth areas that are projected to  
12 be affected by this act in the next four-year period and may provide  
13 advance planning support to the potentially affected jurisdictions.

14 (6) The ((task force)) board shall review progress toward  
15 implementing commute trip reduction plans and programs and the costs  
16 and benefits of commute trip reduction plans and programs and shall  
17 make recommendations to the legislature and the governor by December 1,  
18 ((1995, December 1, 1999, December 1, 2001, December 1, 2003, and  
19 December 1, 2005)) 2009, and every two years thereafter. In assessing  
20 the costs and benefits, the ((task force)) board shall consider the  
21 costs of not having implemented commute trip reduction plans and  
22 programs with the assistance of the transportation performance audit  
23 board authorized under chapter 44.75 RCW. The ((task force)) board  
24 shall examine other transportation demand management programs  
25 nationally and incorporate its findings into its recommendations to the  
26 legislature. The recommendations shall address the need for  
27 continuation, modification, or termination or any or all requirements  
28 of this chapter. ((The recommendations made December 1, 1995, shall  
29 include recommendations regarding extension of the requirements of this  
30 chapter to employers with fifty or more full-time employees at a single  
31 worksites who begin their regular work day between 6:00 a.m. and 9:00  
32 a.m. on weekdays for more than twelve continuous months.))

33 (7) The board shall invite personnel with appropriate expertise  
34 from state, regional, and local government, private, public, and  
35 nonprofit providers of transportation services, and employers or owners  
36 of major worksites in Washington to act as a technical advisory group.  
37 The technical advisory group shall advise the board on the

1 implementation of local and regional commute trip reduction plans and  
2 programs, program evaluation, program funding allocations, and state  
3 rules and guidelines.

4 **Sec. 8.** RCW 70.94.541 and 1996 c 186 s 515 are each amended to  
5 read as follows:

6 (1) (~~A technical assistance team shall be established under the~~  
7 ~~direction of the department of transportation and include~~  
8 ~~representatives of the department of ecology.~~) The ((team))  
9 department of transportation shall provide staff support to the commute  
10 trip reduction ((~~task force~~)) board in carrying out the requirements of  
11 RCW 70.94.537 ((~~and to the department of general administration in~~  
12 ~~carrying out the requirements of RCW 70.94.551~~)).

13 (2) The ((team)) department of transportation shall provide  
14 technical assistance to regional transportation planning organizations,  
15 counties, cities, and towns, the department of general administration,  
16 other state agencies, and other employers in developing and  
17 implementing commute trip reduction plans and programs. The technical  
18 assistance shall include: (a) Guidance in ((~~determining base and~~  
19 ~~subsequent year values of single-occupant vehicle commuting proportion~~  
20 ~~and commute trip reduction vehicle miles traveled to be used in~~  
21 ~~determining progress in attaining plan goals~~)) single measurement  
22 methodology and practice to be used in determining progress in  
23 attaining plan goals; (b) developing model plans and programs  
24 appropriate to different situations; and (c) providing consistent  
25 training and informational materials for the implementation of commute  
26 trip reduction programs. Model plans and programs, training, and  
27 informational materials shall be developed in cooperation with  
28 representatives of regional transportation planning organizations,  
29 local governments, transit agencies, and employers.

30 (3) In carrying out this section the department of transportation  
31 may contract with statewide associations representing cities, towns,  
32 and counties to assist cities, towns, and counties in implementing  
33 commute trip reduction plans and programs.

34 **Sec. 9.** RCW 70.94.544 and 2001 c 74 s 1 are each amended to read  
35 as follows:

36 A portion of the funds made available for the purposes of this

1 chapter shall be used to fund the commute trip reduction (~~((task force))~~)  
2 board in carrying out the responsibilities of RCW (~~((70.94.541))~~)  
3 70.94.537, and the (~~((interagency technical assistance team))~~) department  
4 of transportation, including the activities authorized under RCW  
5 70.94.541(2), and to assist regional transportation planning  
6 organizations, counties, cities, and towns implementing commute trip  
7 reduction plans. The commute trip reduction board shall determine the  
8 allocation of program funds made available for the purposes of this  
9 chapter to regional transportation planning organizations, counties,  
10 cities, and towns implementing commute trip reduction plans. If state  
11 funds for the purposes of this chapter are provided to those  
12 jurisdictions implementing voluntary commute trip reduction plans, the  
13 funds shall be disbursed based on criteria established by the commute  
14 trip reduction board under RCW 70.94.537.

15 **Sec. 10.** RCW 70.94.547 and 1991 c 202 s 18 are each amended to  
16 read as follows:

17 The legislature hereby recognizes the state's crucial leadership  
18 role in establishing and implementing effective commute trip reduction  
19 programs. Therefore, it is the policy of the state that the department  
20 of general administration and other state agencies, including  
21 institutions of higher education, shall aggressively develop  
22 substantive programs to reduce commute trips by state employees.  
23 Implementation of these programs will reduce energy consumption,  
24 congestion in urban areas, and air and water pollution associated with  
25 automobile travel.

26 **Sec. 11.** RCW 70.94.551 and 1997 c 250 s 6 are each amended to read  
27 as follows:

28 (1) The director of (~~((general administration, with the concurrence~~  
29 ~~of an interagency task force established for the purposes of this~~  
30 ~~section, shall coordinate a commute trip reduction plan for state~~  
31 ~~agencies which are phase 1 major employers by January 1, 1993))~~) the  
32 department of general administration may coordinate an interagency  
33 board for the purpose of developing policies or guidelines that promote  
34 consistency among state agency commute trip reduction programs required  
35 by RCW 70.94.527 and 70.94.531. The (~~((task force))~~) board shall include  
36 representatives of the departments of transportation (~~((and))~~), ecology,

1 and community, trade, and economic development and such other  
2 departments and interested groups as the director of the department of  
3 general administration determines to be necessary ~~((to be generally~~  
4 ~~representative of state agencies. The state agency plan shall be~~  
5 ~~consistent with the requirements of RCW 70.94.527 and 70.94.531 and~~  
6 ~~shall be developed in consultation with state employees, local and~~  
7 ~~regional governments, local transit agencies, the business community,~~  
8 ~~and other interested groups. The plan shall consider and recommend)).~~  
9 Policies and guidelines shall be applicable to all state agencies  
10 including but not limited to policies and guidelines regarding parking  
11 and parking charges, employee incentives for commuting by other than  
12 single-occupant automobiles, flexible and alternative work schedules,  
13 alternative worksites, and the use of state-owned vehicles for car and  
14 van pools and guaranteed rides home. The ~~((plan))~~ policies and  
15 guidelines shall also consider the costs and benefits to state agencies  
16 of achieving commute trip reductions and consider mechanisms for  
17 funding state agency commute trip reduction programs. ~~((The department~~  
18 ~~shall, within thirty days, submit a summary of its plan along with~~  
19 ~~certification of adoption to the commute trip reduction task force~~  
20 ~~established under RCW 70.94.537.))~~

21 (2) ~~((Not more than three months after the adoption of the commute~~  
22 ~~trip reduction plan, each state agency shall, for each facility which~~  
23 ~~is a major employer, develop a commute trip reduction program. The~~  
24 ~~program shall be designed to meet the goals of the commute trip~~  
25 ~~reduction plan of the county, city, or town or, if there is no local~~  
26 ~~commute trip reduction plan, the state. The program shall be~~  
27 ~~consistent with the policies of the state commute trip reduction plan~~  
28 ~~and RCW 70.94.531. The agency shall submit a description of that~~  
29 ~~program to the local jurisdiction implementing a commute trip reduction~~  
30 ~~plan or, if there is no local commute trip reduction plan, to the~~  
31 ~~department of general administration. The program shall be implemented~~  
32 ~~not more than three months after submission to the department. Annual~~  
33 ~~reports required in RCW 70.94.531(2)(c) shall be submitted to the local~~  
34 ~~jurisdiction implementing a commute trip reduction plan and to the~~  
35 ~~department of general administration. An agency which is not meeting~~  
36 ~~the applicable commute trip reduction goals shall, to the extent~~  
37 ~~possible, modify its program to comply with the recommendations of the~~  
38 ~~local jurisdiction or the department of general administration.~~

1       ~~(3))~~ State agencies sharing a common location ~~((may))~~ in affected  
2 urban growth areas where the total number of state employees is one  
3 hundred or more shall, with assistance from the department of general  
4 administration, develop and implement a joint commute trip reduction  
5 program ((or may delegate the development and implementation of the  
6 commute trip reduction program to the department of general  
7 administration)). The worksite shall be treated as specified in RCW  
8 70.94.531 and 70.94.534.

9       ~~((4))~~ (3) The department of general administration ~~((in~~  
10 ~~consultation with the state technical assistance team))~~ shall review  
11 the initial commute trip reduction program of each state agency subject  
12 to the commute trip reduction plan for state agencies to determine if  
13 the program is likely to meet the applicable commute trip reduction  
14 goals and notify the agency of any deficiencies. If it is found that  
15 the program is not likely to meet the applicable commute trip reduction  
16 goals, the ~~((team))~~ department of general administration will work with  
17 the agency to modify the program as necessary.

18       ~~((5) For each agency subject to the state agency commute trip~~  
19 ~~reduction plan, the department of general administration in~~  
20 ~~consultation with the technical assistance team shall annually review~~  
21 ~~progress toward meeting the applicable commute trip reduction goals.~~  
22 ~~If it appears an agency is not meeting or is not likely to meet the~~  
23 ~~applicable commute trip reduction goals, the team shall work with the~~  
24 ~~agency to make modifications to the commute trip reduction program.~~

25       ~~(6))~~ (4) Each state agency implementing a commute trip reduction  
26 plan shall report at least once per year to its agency director on the  
27 performance of the agency's commute trip reduction program as part of  
28 the agency's quality management, accountability, and performance system  
29 as defined by RCW 43.17.385. The reports shall assess the performance  
30 of the program, progress toward state goals established under RCW  
31 70.94.537, and recommendations for improving the program.

32       (5) The department of general administration shall review the  
33 agency performance reports defined in subsection (4) of this section  
34 and submit ((an annual progress)) a biennial report for state agencies  
35 subject to ((the state agency commute trip reduction plan to the  
36 commute trip reduction task force established under RCW 70.94.537. The  
37 report shall be due April 1, 1993, and each April 1st through 2006.  
38 The report shall report progress in attaining the applicable commute

1 ~~trip reduction goals for each commute trip reduction zone and shall~~  
2 ~~highlight any problems being encountered in achieving the goals))~~ this  
3 chapter to the governor and incorporate the report in the commute trip  
4 reduction board report to the legislature as directed in RCW  
5 70.94.537(6). The report shall include, but is not limited to, an  
6 evaluation of the most recent measurement results, progress toward  
7 state goals established under RCW 70.94.537, and recommendations for  
8 improving the performance of state agency commute trip reduction  
9 programs. The information shall be reported in a form established by  
10 the commute trip reduction (~~task force~~) board.

--- END ---